

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 341 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 36-7-4-903, AS AMENDED BY P.L.216-1999,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2002]: Sec. 903. ADVISORY. (a) When a municipal plan
6 commission exercises jurisdiction outside the incorporated area of the
7 municipality as provided for in section 205 or 1208 of the advisory
8 planning law, either:
9 (1) an additional division of the board of zoning appeals shall be
10 established under section 901(b) of this chapter that will have
11 territorial jurisdiction only in the unincorporated area and consist
12 only of residents of the unincorporated area; or
13 (2) the municipal plan commission shall designate, as its
14 appointment to the municipal board of zoning appeals under
15 section 902(a)(3) of this chapter, one (1) of the ~~two (2)~~ citizen
16 members who were appointed under section 214, **1210, or 1210.5**
17 of this chapter to the plan commission to represent the
18 unincorporated area. The citizen member must reside in the
19 unincorporated area. He shall be appointed for a term of ~~four (4)~~
20 **two (2)** years. He is entitled to participate and vote in all
21 deliberations of the municipal board of zoning appeals.
22 (b) Notwithstanding section 902(g) of this chapter, if the zoning
23 ordinance provides for an additional division of the board of zoning
24 appeals under subsection (a)(1), the ordinance may also provide for the
25 appointment of one (1) or more members of that division by elected
26 officials of the county or township.
27 SECTION 2. IC 36-7-4-919 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 919. (a) An appeal filed
29 with the board of zoning appeals must specify the grounds of the appeal
30 and must be filed within such time and in such form as may be
31 prescribed by the board of zoning appeals by rule.

(b) The administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall, on the request of the board of zoning appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

(c) Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of subsection (b).

(d) Upon appeal, the board ~~may reverse, affirm, or modify~~ **shall make written findings and a decision reversing, affirming, or modifying** the order, requirement, decision, or determination appealed from. For this purpose, the board has all the powers of the official, officer, board, or body from which the appeal is taken.

(e) **Upon hearing any exception, use, or variance, the board shall make written findings and a decision approving or denying the exception, use, or variance applied for.**

~~(e)~~ (f) The board shall make a decision on any matter that it is required to hear under the 900 series either:

(1) at the meeting at which that matter is first presented; or

(2) at the conclusion of the hearing on that matter, if it is continued.

~~(f)~~ (g) Within ~~five (5)~~ **thirty-five (35)** days after making any decision under the 900 series, the board of zoning appeals shall file in the office of the board a copy of its decision, **including its written findings. The decision and the written findings must be signed by an official designated in the zoning ordinance.**

Page 1, line 13, strike "thirty (30)" and insert "**forty-five (45)**".

Page 1, line 16, strike "thirty (30)" and insert "**forty-five (45)**".

Page 2, line 4, strike "thirty (30)" and insert "**forty-five (45)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 341 as printed January 25, 2002.)

Senator CLARK